

## REMARKS

Claims 25-40 stand rejected. Claims 25, 30, and 34 are amended. Claim 37 is canceled.

Support for the amendment to claims 25, 30, and 34 is found in the specification and drawings.

No new matter is added.

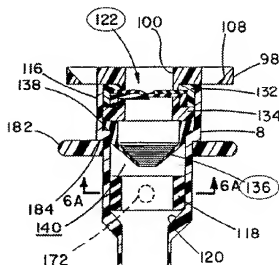
102 Rejection:

The Office Action rejected claims 25-40 under 35 U.S.C. 102(b) as being anticipated by Haber (US Patent No. 5,385,552). It is respectfully urged that this rejection is improper because Haber does not teach each and every claim element of each rejected claim, as required by the MPEP.

With respect to Claim 25, it is respectfully urged that Haber does not teach or suggest at least the following:

a seal assembly having a plurality of separate semicircular seal segments arranged in a conical shape, each seal segment having a circumference greater than 180 degrees and being adapted to seal against objects positioned through the seal.

A portion of Figure 4 of Haber is reproduced below.



The Examiner states with regard to Claim 25,

“ With regards to new claims 25, Haber discloses (figures 2 and 5A) a surgical access device (2), comprising a seal assembly (122, 124, and 136) having a plurality of separate semicircular seal segments arranged in a conical shape, each seal segment having a circumference greater than 180 degrees and being adapted to seal against objects positioned through the seal.”

This is not a correct characterization of Haber. In fact, Haber's own Abstract teaches the following:

“...at least three interleaved elastomeric sealing elements (124) which seal the path when an object, such as an obturator barrel (14), *is not positioned along the path*. The gas sealing assembly also includes a flexible, elastic, conical element (136) with a hole (158) at its tip and raised edges or rings (164) along its inner surface (154) for sealing the path *when an object is positioned along the path*.” (Italics added)

Accordingly, Haber fails to teach at least the following elements/limitations recited in Claim 25.

1. Haber does not teach or suggest a plurality of semicircular seal segments arranged in a conical shape. Haber discloses a single conical element (136), not a plurality of seal segments arranged in a conical shape.
2. Haber does not teach a plurality of separate seal segments for sealing a path when an object is positioned along a path. Instead, Haber's own Abstract explains that the sealing elements (124) seal a path when an object is not positioned along a path, and that the conical element (136) is used for sealing the path when an object is positioned along the path.

It is respectfully urged that the Examiner's position not only mischaracterizes Haber, but that Haber actually is contrary to, and teaches away from the subject matter of Claim 25, as explained in the previous Response.

In addition, Claim 25 is amended to recite the seal assembly further comprises a zero closure seal disposed distally of the plurality of semicircular elastomeric members.

Also, claim 30 is amended to recite the seal assembly further comprises a zero closure seal disposed distally of the plurality of semicircular elastomeric members.

And, Claim 34 is amended to recite the instrument seal assembly further provides a zero-closure seal spaced from the plurality of layered elastomeric members arranged about the aperture.

Accordingly, the claims as amended clearly distinguish over Haber's elements 124 and single conical element 136.

The following additional distinctions are repeated, and all prior arguments are maintained.

Claim 27:

Claim 27 recites, among other things, a plurality of protectors disposed proximal to said plurality of separate semicircular seal segments. The Examiner has not shown how Haber teaches or suggests the subject matter of claim 27.

Claim 28:

Claim 28 recites, among other things, the plurality of separate semicircular seal segments are disposed such that there is a substantially centrally located aperture in said seal assembly.

Haber not only fails to show an aperture in the proximal seal 122 formed of sealing elements 126, but Haber's teaching at column 6, lines 1-5 explains that the seal 122 formed of elements 126 provides an effective seal, especially at the center of the seal 122:

“... provides an effective seal when the obturator body 58 is removed from the trocar body as in Fig 4. The use of tapered distal edges 128 helps *ensure the proper sealing effectiveness at the center of proximal seal 122 where edges 128 meet.*” (italics added).

It is respectfully urged that Figures 2 and 5A of Haber, as well as the above cited portion of Haber, clearly not only fail to teach the subject matter of Claim 28, but actually teach away from the subject matter of Claim 28.

Claim 30:

Claim 30 recites, among other things,

a seal assembly disposed within said housing comprising a first substantially rigid ring, a second substantially rigid ring, and a plurality of semicircular elastomeric members compressed therebetween and forming a conical shape, the elastomeric members circumscribing an aperture in an interwoven pattern and cooperate to sufficiently seal against objects positioned within the aperture to maintain gas pressure in the abdominal cavity during endoscopic surgical procedures.

As explained above, Haber neither teaches nor suggests a plurality of semicircular elastomeric forming a conical shape, or a plurality of elastomeric seal members circumscribing an aperture in an interwoven pattern. The elements 126 of Haber don't :

1. form a conical shape, or
2. circumscribe an aperture.

Claim 34:

Claim 34 recites, among other things,

a plurality layered elastomeric members arranged circumferentially about an aperture in an alternating over and under pattern and forming a conical shape, the plurality layered elastomeric members cooperating to provide a substantially gas-tight seal against instruments positioned through the aperture.

As explained above, Haber's elements 126 :

1. are not arranged about an aperture;
2. don't form a conical shape;

Further, Haber explains that it is sealing element 136 includes conical portion 152 with an opening 158 sized to be smaller than the object (e.g. instrument or obturator) passing therethrough, to provide a good gas seal...see column 6, lines 28-41 of Haber.

The rejection of Claims 35-34 is improper for at least the reasons set forth above.

Based on the foregoing, all of the pending claims are in a condition for allowance. Applicants traverse all rejections and request reconsideration, and Applicants request an early notice of allowability.

The amendments made in this response do not indicate agreement with the Examiner's rejection, and Applicant reserves the right to file one or more continuation applications with claims as previously or originally presented.

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